

*Handwritten:* \$400

**MCMONAGLE, PERRI,  
MCHUGH, MISCHAK & DAVIS P.C.**

By: William M. Davis, Esquire

**Attorney for Plaintiffs**

Attorney I.D. No. 93102

1845 Walnut St., 19<sup>th</sup> Floor

Philadelphia, PA 19103

(215) 981-0999 / Fax (215) 981-0977

wdavis@mpmpc.com

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**THE ESTATE OF ARTHUR PHILLIPS, :  
PHYLLIS PHILLIPS :**

VS. :

**CIVIL ACTION 19 3822**

**CORIZON HEALTH, INC. :  
105 Westpark Drive :  
Brentwood, Tennessee 37027 :**

and :

**MHM CORRECTIONAL SERVICES, INC. :  
1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :**

and :

**BARBARA HERST, RN :  
c/o MHM CORRECTIONAL :  
SERVICES, INC. :**

**1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :  
and c/o CORIZON HEALTH, INC. :**

**105 Westpark Drive :  
Brentwood, Tennessee 37027 :**

and :

**HANNAH JENKINS :  
c/o MHM CORRECTIONAL :  
SERVICES, INC. :**

**1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :  
and c/o CORIZON HEALTH, INC. :**

**105 Westpark Drive :  
Brentwood, Tennessee 37027 :**

and :

**DR. JOHN DOE, MD :  
Who treated or was responsible for :**

**JURY TRIAL DEMANDED**

**FILED**

**AUG 23 2019**

KATE BARKMAN, Clerk  
By \_\_\_\_\_ Dep. Clerk

Treating Arthur Phillips and whose :  
Identity is known to defendants but :  
Not to plaintiffs after reasonable :  
Investigation and in the absence of :  
Disclosures and discovery :  
c/o MHM CORRECTIONAL :  
SERVICES, INC. :  
1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :  
and c/o CORIZON HEALTH, INC. :  
105 Westpark Drive :  
Brentwood, Tennessee 37027 :

### **COMPLAINT - CIVIL ACTION**

Plaintiffs, The Estate of Arthur Phillips, and Phyllis Phillips, by and through the undersigned attorneys, McMonagle, Perri, McHugh, Mischak & Davis, P.C., herein complain of the above captioned defendants, and state the following:

### **JURISDICTION AND VENUE**

1. Jurisdiction in this action is vested in this Court pursuant to 42 U.S.C. §1983.
2. The practices and conduct alleged herein occurred within the Eastern District of Pennsylvania wherein the Pennsylvania Department of Corrections governs and operates. Therefore, venue in this Court is proper pursuant to 28 U.S.C. §§1331 and 1343.

### **PARTIES**

3. Decedent, Arthur Phillips, and Plaintiff through the Estate of Arthur Phillips, was an adult individual last residing at SCI Graterford, Graterford, Pennsylvania, before his death on January 28, 2018.
4. Plaintiff, Phyllis Phillips, is an adult individual residing at 1441 Potter Lane, Wayne, PA, 19087 and was the wife of Arthur Phillips until the date of his death.

5. Defendant Corizon Health, Inc. [“Corizon”] is a corporation or other jural entity located at 105 Westpark Drive, Brentwood, Tennessee 37027. Corizon has a principal place of business, among other places, located at 8001 State Road, Philadelphia, Pennsylvania 19136.

6. Defendant Corizon has a contract to provide health care and health care services to inmates and detainees within the Pennsylvania Department of Corrections.

7. Defendant MHM Correctional Services, Inc. [“MHM”] is a corporation or other jural entity located at 1593 Spring Hill Road, Suite 600, Vienna, Virginia 22182. MHM has a principal place of business, among other places, located at 645 North 12<sup>th</sup> Street, Suite 101, Lemoyne, Pennsylvania 17043.

8. Defendant MHM has a contract to provide mental health care and mental health care services to inmates and detainees within the Pennsylvania Department of Corrections.

9. Defendant, Barbara Herst, is a registered nurse duly licensed to practice medicine in the Commonwealth of Pennsylvania who, at all times relevant hereto, provided medical/mental health/psychiatric care and treatment to Mr. Phillips.

10. Defendant, Hannah Jenkins, provides mental health care and mental health care services to inmates and detainees within the Pennsylvania Department of Corrections

11. Defendant John Doe, MD, [“Dr. John Doe”] whose existence is known through witnesses and whose identity is known to defendants but not to the plaintiff after reasonable investigation and in the absence of disclosures or discovery, is a physician duly licensed to practice medicine in the Commonwealth of Pennsylvania who, at all times relevant hereto, provided medical/mental health/psychiatric care and treatment to Mr. Phillips.

12. At all times relevant hereto, Barbara Herst, Hannah Jenkins and Dr. John Doe were actual and/or ostensible agents and/or employees of Corizon and/or MHM, and were acting

within the course and scope of such agency and/or employment relationship while providing health care and/or mental health care services to Mr. Phillips.

13. At all times material hereto, Barbara Herst, Hannah Jenkins and Dr. John Doe [individual defendants], were acting in their own right and also acting as authorized agents, employees and/or servants of Corizon and/or MHM, and under the control or right of control of Corizon and/or MHM.

14. Corizon is liable for the acts and/or omissions of the above captioned individual defendants and/or its agents, servants, and/or employees under applicable legal theories of agency, master-servant, respondeat superior, and/or right of control.

15. MHM is liable for the acts and/or omissions of the above captioned individual defendants and/or its agents, servants, and/or employees under applicable legal theories of agency, master-servant, respondeat superior, and/or right of control.

**FACTS COMMON TO ALL COUNTS**

16. On April 20, 2017, Arthur Phillips was arrested, while a patient in the Psychiatric Unit of the Veterans' Administration Hospital in Coatesville, Pennsylvania, and transported to the Chester County Prison.

17. Mr. Phillips had been a patient in the Psychiatric Unit of the Veterans' Administration Hospital due to a suicide attempt on April 19, 2017.

18. Mr. Phillips was held in the Psychiatric Unit of the Chester County Prison on "suicide watch" for the first approximately ten days of his detention at the Chester County Prison.

19. On or about April 22, 2017, Mr. Phillips was prescribed Prozac, which he took on a daily basis while at the Chester County Prison, as he had been taking Prozac as prescribed by

his private doctors since approximately 2001, pursuant to his diagnosis of Major Depressive Disorder.

20. Mr. Phillips continued to be prescribed and continued taking Prozac on a daily basis for the entirety of his detention at the Chester County Prison.

21. On January 24, 2018, Arthur Phillips was transferred from the Chester County Prison to SCI Graterford and was incarcerated as an inmate at SCI Graterford.

22. On January 24, 2018, upon entry to SCI Graterford, Defendant Barbara Herst completed a screening form noting that Mr. Phillips was to be referred to the psychiatric unit.

23. Defendant, Barbara Herst, also noted that Mr. Phillips had been taking psychiatric medicine, namely, Prozac.

24. On January 25, 2018, Defendant, Hannah Jenkins, completed an Initial Reception Mental Health Questionnaire noting that Mr. Phillips had received outpatient mental health treatment and was prescribed Prozac.

25. Mr. Phillips was never given Prozac, or any other similar medication, by Dr. John Doe or any other healthcare professional, or anyone else, while he was incarcerated at SCI Graterford.

26. Mr. Phillips was never placed on “suicide watch” while incarcerated at SCI Graterford, nor was he placed in any housing that included supervision and/or direct checks on his well-being every fifteen minutes.

27. Mr. Phillips was not placed in a special housing unit or cell, that would have allowed for close supervision and mental health services, despite his diagnosis of Major Depressive Disorder, prescription for Prozac and history of prior suicide attempts.

28. Mr. Phillips was not placed in a special housing unit that provided a suicide suit, blanket but no sheet and general provisions to prevent self-harm, despite his diagnosis of Major Depressive Disorder, prescription for Prozac and history of prior suicide attempts.

29. Mr. Phillips was not transitioned from suicide watch, to close supervision to general housing, all-the-while monitored by a mental health professional, to ensure that he was not a risk to harm himself, despite his diagnosis of Major Depressive Disorder, prescription for Prozac and history of prior suicide attempts.

30. On January 28, 2018, Mr. Phillips committed suicide by hanging himself with a bed sheet in his prison cell, in general population, while incarcerated as an inmate at SCI Graterford.

31. At all relevant times hereto, Defendants were aware of, and recklessly and deliberately indifferent to, Mr. Phillips' serious medical and mental health needs and the required evaluations, medication and monitoring that his mental health diagnosis required for his safety.

32. At all relevant times hereto, Defendants were aware of, and recklessly and deliberately indifferent to, the excessive risk of not providing Mr. Phillips with Prozac, or a similar medication, to manage his Major Depressive Disorder, and/or placing him on suicide watch.

33. At all relevant times hereto, Defendants were aware of, and were recklessly and deliberately indifferent to, the need for additional and/or different training, testing, rules, regulations, screening, policies, procedures, guidelines, and directives concerning inmates with known mental health conditions, providing medications and placing inmates on suicide watch.

34. Mr. Phillips' death was caused by the prolonged failure to treat or address his mental health needs through medication, supervision and monitoring to prevent self-harm.

35. Mr. Phillips died while under the exclusive custody and control of the Pennsylvania Department of Corrections and the above named Defendants.

36. As a direct and proximate result of Defendants' conduct, which caused Mr. Phillips' death, Plaintiffs are entitled to recover for damages.

**COUNT I – FEDERAL CIVIL RIGHTS CLAIM**  
**Plaintiffs v. Individual Defendants**

37. Plaintiffs incorporate the preceding paragraphs as if the same were set forth herein at length.

38. Barbara Herst, Hannah Jenkins and Dr. John Doe were acting under the color of state law while assigned to provide medical care and mental health care and services to Arthur Phillips. The conduct of these defendants was intended to harm Mr. Phillips and/or was recklessly and deliberately indifferent to the safety, bodily integrity, well-being and life of Mr. Phillips, and was committed in conscious disregard of the substantial and/or unjustifiable risk of causing harm to Mr. Phillips. This conduct was so egregious as to shock the conscience.

39. The conduct of Barbara Herst, Hannah Jenkins and Dr. John Doe, as set forth above, violated Mr. Phillips' constitutional rights to be free from cruel and unusual punishment, and his rights to due process as guaranteed by the Eighth and Fourteenth Amendments to the United States Constitution, as remediable pursuant to 42 U.S.C. §1983.

**COUNT II – FEDERAL CIVIL RIGHTS CLAIMS**  
**Plaintiffs v. Corizon Health, Inc. and MHM Correctional Services, Inc.**

40. Plaintiffs incorporate the preceding paragraphs as if the same were set forth herein at length.

41. The violation of Mr. Phillips' constitutional rights, Plaintiffs' damages, and the conduct of the individual defendants were directly and proximately caused by the deliberate

indifference of Corizon and MHM to the need for training, supervision, investigation, monitoring, and/or discipline with respect to the provision of specialist medical care and mental health care and treatment to correctional facility inmates.

42. The violation of Mr. Phillips' constitutional rights, Plaintiffs' damages, and the conduct of individual defendants were directly and proximately caused by Corizon and MHM's encouragement, tolerance, ratification of, and/or deliberate indifference to, policies, practices, and/or customs of refusing, delaying, denying, or otherwise interfering with inmates' necessary treatment by medical specialists and mental health specialists.

#### **REQUESTED RELIEF**

43. As a direct and proximate result of the above violations of Arthur Phillips' civil rights, as set forth herein, Mr. Phillips' was caused to suffer the death described above.

44. Plaintiffs bring this action pursuant to the above violations of Decedent's rights and are entitled to recover for damages caused by such violations, through the Estate of Arthur Phillips, including but not limited to, Decedent's pain and suffering, loss of earnings and loss of future earning capacity.

45. Plaintiffs further bring this action pursuant to the above violations of Decedent's rights and are entitled to recover for damages caused by such violations, including but not limited to, expenses of estate administration and the loss of expected pecuniary contributions of the Decedent.

**WHEREFORE**, Plaintiffs demand judgment against Defendants upon the claims and causes of action stated above, in excess of \$150,000, exclusive of interest and costs, which sum includes, but is not limited to:

a. Damages and costs of suit recoverable under 42 U.S.C. §1983; and,

b. All other damages and relief as is deemed necessary and equitable by the Court and/or jury presiding over this case.

Respectfully submitted,

**MCMONAGLE, PERRI,  
MCHUGH, MISCHAK & DAVIS, P.C.**

By:

  
**WILLIAM M. DAVIS, ESQUIRE**  
**Attorney for Plaintiffs**

**Dated: August 19, 2019**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**THE ESTATE OF ARTHUR PHILLIPS, :  
PHYLLIS PHILLIPS :**

**CIVIL ACTION**

**vs. :**

**CORIZON HEALTH, INC. :  
105 Westpark Drive :  
Brentwood, Tennessee 37027 :**

**JURY TRIAL DEMANDED**

**and :  
MHM CORRECTIONAL SERVICES, INC. :  
1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :**

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c/o MHM CORRECTIONAL :  
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Brentwood, Tennessee 37027 :**

**and :  
DR. JOHN DOE, MD :  
Who treated or was responsible for :  
Treating Arthur Phillips and whose :  
Identity is known to defendants but :  
Not to plaintiffs after reasonable :  
Investigation and in the absence of :  
Disclosures and discovery :  
c/o MHM CORRECTIONAL :  
SERVICES, INC. :**

1593 Spring Hill Road, Suite 600 :  
Vienna, Virginia 22182 :  
and c/o CORIZON HEALTH, INC. :  
105 Westpark Drive :  
Brentwood, Tennessee 37027 :

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**CERTIFICATE OF SERVICE**

I, William M. Davis, Esquire, hereby certify that a true and correct copy of the instant Complaint – Civil Action was served on the following via UNITED STATES MAIL, which satisfies the requirements of Federal Rule of Civil Procedure 5.

**CORIZON HEALTH, INC.**

**105 Westpark Drive  
Brentwood, Tennessee 37027**

**and**

**MHM CORRECTIONAL SERVICES, INC.**

**1593 Spring Hill Road, Suite 600  
Vienna, Virginia 22182**

**and**

**BARBARA HERST, RN**

**c/o MHM CORRECTIONAL  
SERVICES, INC.**

**1593 Spring Hill Road, Suite 600  
Vienna, Virginia 22182**

**and c/o CORIZON HEALTH, INC.**

**105 Westpark Drive  
Brentwood, Tennessee 37027**

**and**

**HANNAH JENKINS**

**c/o MHM CORRECTIONAL  
SERVICES, INC.**

**1593 Spring Hill Road, Suite 600  
Vienna, Virginia 22182**

**and c/o CORIZON HEALTH, INC.**

**105 Westpark Drive  
Brentwood, Tennessee 37027**

**and**

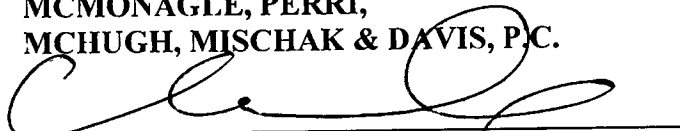
**DR. JOHN DOE, MD**

**Who treated or was responsible for  
Treating Arthur Phillips and whose  
Identity is known to defendants but  
Not to plaintiffs after reasonable  
Investigation and in the absence of  
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c/o MHM CORRECTIONAL  
SERVICES, INC.  
1593 Spring Hill Road, Suite 600  
Vienna, Virginia 22182  
and c/o CORIZON HEALTH, INC.  
105 Westpark Drive  
Brentwood, Tennessee 37027

MCMONAGLE, PERRI,  
MCHUGH, MISCHAK & DAVIS, P.C.

By:

A handwritten signature in black ink, appearing to read 'William M. Davis', is written over a horizontal line.

WILLIAM M. DAVIS, ESQUIRE

Attorney for Plaintiffs

Attorney I.D. No. 93102

1845 Walnut St., 19<sup>th</sup> Floor

Philadelphia, PA 19103

wdavis@mpmpc.com

Dated: August 19, 2019

JS 44 (Rev. 06/17)

HB III

COVER SHEET

19-CV-3822

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

## I. (a) PLAINTIFFS

## DEFENDANTS

19

3822

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) Attorneys (Firm Name, Address, and Telephone Number)

26-931-0999  
William M. Davis, Esq.; Memminger, Perri P.C.  
1845 Walnut St., 19th Floor, Phila, PA 19103

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for Nature of Suit Code Descriptions

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

## V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)

42 USC § 1983

Brief description of cause

Violation of plaintiff's right to be free from cruel &amp; unusual punishment

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

\$ 5,000,000

CHECK YES only if demanded in complaint

JURY DEMAND:

☐ Yes ☒ No

## VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

AUG 23 2019

DATE

8/22/19

SIGNATURE OF ATTORNEY OF RECORD

[Signature]

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

19

3822

Address of Plaintiff: 1491 Potter Lane, Wayne, PA 17087

Address of Defendant: 105 Westpark Dr., Brentwood, Tennessee 37027

Place of Accident, Incident or Transaction: Sci Craterford (now Sci Phoenix) 1200 Mockingbird Rd  
Collegeville, PA 17926

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE 8/22/19

[Signature]  
Attorney-at-Law / Pro Se Plaintiff

93102  
Attorney ID # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☒ 5. Patent
- ☒ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases  
(Please specify) \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify) \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify) \_\_\_\_\_

**ARBITRATION CERTIFICATION**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, William M. Davis, Esq., counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☐ Relief other than monetary damages is sought.

DATE 8/22/19

[Signature]  
Attorney-at-Law / Pro Se Plaintiff

93102  
Attorney ID # (if applicable)

AUG 23 2019

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F R C P 38

  
 IN THE UNITED STATES DISTRICT COURT  
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

*The Estate of Arthur Phillips*  
*Phyllis Phillips*

v.

*Coron Health INC et al.*

CIVIL ACTION

*18*

*2022*

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ( )

*8/22/19*  
 Date

*26-901-0999*

Telephone

*William M. Davis*  
 Attorney-at-law

*26-901-0977*

FAX Number

*Phyllis Phillips*  
 Attorney for

*wdavis@mpmpe.com*

E-Mail Address

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